

## CHAPTER 13-000 MEDICAL SUPPORT

This chapter outlines the role and responsibility of Child Support Enforcement as it pertains to medical support.

Medical support is:

1. Health insurance which includes fees for services, medical and hospital insurance, membership in health maintenance organizations (HMO's), and Preferred Provider Organizations (PPO's); and/or
2. Specific dollar amounts designated in the court order for medical purposes, including medical expenses related to the birth of a child, that are payable to the Nebraska Child Support Payment Center or other agency designated to collect payments.

### 13-001 Assignment of Medical Support Rights:

The application for and acceptance of Medicaid assistance by the custodial party transfers only medical support rights to the Department. The medical support assignment includes amounts paid by any third party for the cost of medical care of the dependent child(ren).

When a family ceases receiving Medicaid assistance, the assignment of medical support rights terminates, except for the amount of any unpaid medical support obligation that has accrued under the assignment.

### 13-002 Provision of Medical Support Services:

Medical support services include the securing of health insurance information and the establishment of health insurance and enforcement of the provisions of health insurance coverage and judgements for previously provided medical support services.

#### 13-002.01 ADC Grant Payment Applicant/Recipients Eligibility:

The provision of child support and medical support services is mandatory for recipients of Aid to Dependent Children (ADC) grant payments. Services include establishing paternity, establishing a child and/or medical support order, and enforcing child/spousal/medical support.

#### 13-002.02 Medicaid Only Applicant/Recipients Eligibility:

The provision of medical support services, including establishing paternity and securing medical support, is mandatory for Medicaid only applicant/recipients. All appropriate support services are provided for Medicaid only applicant/recipients unless the applicant/recipient notifies Child Support Enforcement that only services related to establishing paternity and securing medical support are wanted.

13-002.02A Cooperation:

Medicaid only applicant/recipients are required to cooperate with Child Support Enforcement for the provisions of medical support services. See 466 NAC 3-000.

13-003 Non-Public Assistance Applicant/Recipients Eligibility:

Medical support services are mandatory for non-public assistance applicant/recipients including former ADC, former foster care, and former Medicaid recipients See 466 NAC 1-005.

13-004 Establishing Medical Support:

Unless the custodial party and child(ren) have satisfactory health insurance other than Medicaid, the county/authorized attorney must petition the court or administrative authority to include health insurance that is available to either party at reasonable cost in a new or modified court or administrative orders for support.

Health insurance is considered reasonable in cost if it is employment related or other group health insurance, regardless of the service delivery mechanism.

Health insurance includes fee for service, health maintenance organization, preferred provider organization, and other types of coverage under which medical services could be provided to the child(ren) of an noncustodial party.

In paternity establishment cases, the county/authorized attorney must petition to include birth-related expenses in any action to establish an order for support. In public assistance cases where Medicaid paid birth-related expenses, the county/authorized attorney must include birth related expenses in any action to establish an order for support.

13-004.01 Providing Health Insurance Information to the Third Party Liability Unit:

For public assistance applicant/recipients where health insurance is carried by the noncustodial party for the child(ren) in the order, the county/authorized attorney or Child Support Enforcement must provide health insurance information to the Third Party Liability Unit, when specific health insurance policy information is available. The following information must be provided:

1. Public assistance case number or the custodial party's Social Security number;
2. Name of noncustodial party;
3. Social Security number of the noncustodial party;
4. Name, date of birth, and Social Security number of child(ren);
5. Home address of noncustodial party;
6. Name and address of noncustodial party's place of employment; and
7. The insurance carrier's name(s) and policy number(s) and name(s) of person(s) covered.

13-004.02 Notifying the Applicant/Recipient of Health Insurance Policy Information:

When the county/authorized attorney establishes an order for medical support, s/he must notify the applicant/recipients of specific health insurance policy information that has been obtained for the children in the order. Information provided to the applicant/recipient pertaining to the health insurance policy secured for the children must include the insurance carrier's name and policy number.

13-005 Interstate Referrals:

For applicant/recipients determined to be eligible under 466 NAC 13-002, the county/authorized attorney must include a request for medical support when initiating an interstate request for services.

13-006 Enforcing Medical Support:

Within 30 calendar days of identifying non-compliance, the county/authorized attorney or Department must enforce the medical support provisions of an order for support. See 466 NAC 9-000.

13-006.01 Health Insurance Coverage Inquiry:

The employer or insurer must, upon request of the county/authorized attorney or the Department, provide the following information regarding the obligor ordered to provide health insurance coverage for a child:

1. The obligor's Social Security number;
2. The obligor's address;
3. Whether the obligor has health insurance coverage available to him/her and dependent children;
4. Whether the obligor carries health insurance coverage for him/herself and dependent children;
5. The policy name and number;
6. The names of the obligor's family members covered under the policy; and
7. The cost of the insurance coverage to the obligor.

13-006.02 Enrollment in Health Insurance Coverage:

The county/authorized attorney must enroll a child in health insurance coverage if the obligor is ordered to carry health insurance coverage:

1. Fails to enroll the child included in the order; and
2. Carries health insurance for him/herself and health insurance is available for the child(ren) through this policy.

13-006.03 National Medical Support Notice:

Within two business days after the receipt of information regarding employment of an obligor in a IV-D case from the State Directory of New Hires, Child Support Enforcement must send a National Medical Support Notice to the obligor's employer.

This notice must include the following information:

1. The support order number ordering health insurance coverage for the dependent child;
2. Notice that if the insurance is available through the employer, the employer will be directed to withhold any premium amount from the obligor's earnings; and
3. The right to appeal, the appealable issues and the appeal deadline.

13-006.03A Request for Administrative Hearing:

The obligor may request an administrative hearing to appeal the enrollment of the child in health insurance coverage. The appeal must be based on evidence that:

1. The obligor enrolled the child in an insurance plan providing coverage required by the order; or
2. The child's portion of the premium amount plus any amounts withheld under the Income Withholding Act exceeds the amount allowed to be withheld under the Consumer Credit Protection Act or is otherwise unreasonable.
3. The obligor is not the person named in the court order.
4. The parties have stipulated to, and the court or administrative order specifically provides for an alternative to employer-based health care coverage.

In order to request a hearing, the obligor must send a request for a hearing to the Department. The request must be postmarked within 15 calendar days of the date of the notice of National Medical Support Notice (NMSN). If the request is not postmarked within 15 calendar days of the date of the notice, or the appeal request is not based on a reason previously listed, the Department must deny the appeal request.

13-006.03A(1) Enrollment Not Suspended:

Enrollment by Child Support Enforcement of the child in health insurance coverage shall take place pending the outcome of the hearing process.

13-006.03A(2) Administrative Hearing:

Any administrative hearing must be conducted in accordance with 465 NAC 6-000 ff, and the Administrative Procedure Act, Neb. Rev. Stat. § 84-901, et seq.

13-006.03A(3) Hearing Date:

The hearing must take place within 15 calendar days of the date of receipt of the hearing request.

13-006.03A(4) Hearing Results:

The Department must notify the obligor and county/authorized attorney of the hearing results within 15 calendar days of the hearing.

13-006.03A(5) Judicial Review:

Any person aggrieved by a decision of the Department, upon exhaustion of the procedures for administrative appeals may seek a judicial review of the hearing findings by filing a petition with the court in which the support order was issued or registered.

13-006.04 Enrollment:

Within 20 business days of receipt of a National Medical Support Notice (NMSN), the employer must forward the NMSN to the plan administrator for the appropriate group health care plan for which the child(ren) is/are eligible. The plan administrator must enroll the child(ren) specified in the notice within 20 business days of receipt of the NMSN. If the plan administrator determines that additional information is required before enrollment can be completed, the plan administrator must contact Child Support Enforcement within 20 business days of receipt of the NMSN.

13-006.05 Withholding Premiums:

Upon enrollment by an employer of a child in health insurance coverage, the employer must deduct the premium from the obligor's income and remit it directly to the insurer.

The total amount of support to be withheld from the obligor's net disposable income, including child support, medical support, spousal support, the administrative fee for withholding plus the child's portion of the health insurance premium must not exceed the maximum amount permitted to be withheld under the Consumer Credit Protection Act.

13-006.05A Priority of Withheld Amounts:

Any support ordered to be withheld through the Notice to Withhold Income must have priority over insurance premiums ordered through the National Medical Support Notice (NMSN).

13-006.06 Enrollment of a Dependent Child:

The insurer must not deny enrollment of a child in health insurance coverage on the grounds that:

1. The child was born out of wedlock;
2. The child is not claimed as a dependent on the obligor's federal income tax return;
3. The child does not reside with the obligor or in the insurer's service area; or
4. The child is eligible for medical assistance.

13-006.07 Enrollment Season Restriction:

The employer or insurer must, in any case in which a obligor is required by an order to provide health insurance coverage for a child, permit the obligor to enroll the child without regard to any enrollment season restriction.

13-006.08 Cancellation of Health Insurance Coverage:

As long as the obligor is employed the employer or insurer may not cancel or eliminate coverage for any child unless the employer or insurer receives written evidence that the order is no longer in effect or the child is or will be enrolled in comparable health insurance coverage through another insurer. The employer may not eliminate coverage for a child unless the employer eliminates family health insurance coverage for all of its employees.

13-006.09 Lapses in Coverage:

For recipients of medical assistance, benefits, the Third Party Liability Unit must notify the Child Support Enforcement when insurance is lapsed or terminated.

Child Support Enforcement must request employers and insurers to notify them of lapses in ordered health insurance coverage.

13-006.10 Information Provided:

When a child has health insurance coverage provided by an obligor, the insurer must provide information to utilize the insurance and to submit claims for services covered under the policy to the obligee. The obligee may permit a service provider to file claims with the insurer.

The insurer must make payment on claims submitted by the obligee, provider or Department directly to the submitting person or agency.

13-007 Confidentiality:

Child Support Enforcement may provide Social Security numbers of children to insurance companies or the obligor for enrollment purposes if there is a court order requiring health insurance coverage. If there is no court order, but the noncustodial party is willing to provide health insurance coverage, Child Support Enforcement may provide Social Security numbers of child(ren) directly to insurance companies.